

REMARKS/ARGUMENTS

I. Concerning the Amendments

Claims 3-6 and 39 are amended herein to resolve formality based rejections. Applicants believe these amendments do not narrow the scope of the amended claims.

The specification is amended in response to the objection to the specification, specifically by moving a heading and by copying that heading and one sentence from page 10 to page 4. This did not add new matter to the application, but is believed to resolve the objection.

Claim 36 is cancelled as it was a duplicate of Claim 7.

II. Concerning the Rejection under 35 USC 112

Claims 3-6 and 39 stand rejected under 35 USC 112, 2nd paragraph, as being indefinite. Claims 3-6 are amended herein to bring them into compliance with the requirements of 35 UCS 112, 2nd paragraph.

Claim 39 refers to “the interface layer,” and Examiner questions whether there is proper antecedent basis for this phrase. As explained in the specification at page 5, lines 6-8, the multilayer curtain has a bottom or interface layer, a top layer, and, optionally, one or more internal layers. Each curtain has a bottom layer, i.e. the layer in contact with the substrate to be coated, i.e. the interface layer. Applicants believe Claim 39 was acceptable in its original form; however, in order to resolve issues, Claim 39 is amended herein to explicitly state that an interface layer is present in order to provide explicit antecedent basis for the term “the interface layer.”

Applicants request reconsideration of the rejections under 35 USC 112 in view of the amendments presented herein.

III. Concerning the Telephonic Interview

The undersigned participated in a telephonic interview with Examiner on June 23, 2005. Examiner’s comment appearing at page 7 of the Office Action concerning synthetic magadiite was discussed, as was Examiner’s comment appearing at page 2 of the Office Action concerning priority. For the record, Applicants do not believe that synthetic magadiite was a known pigment for paper coating processes; however, this point is believed to be moot in view of the following argument.

IV. Concerning the Rejection under 35 USC 103

All claims stand rejected as being obvious over EP 1 249 533 A1 (hereinafter Urscheler), which published on October 16, 2002, in combination with various secondary references. Applicants believe that Urscheler is not a reference under any section of 35 USC 102. While there is some question in Examiner's mind as to the effective filing date of the present claims, Examiner at page 2 of the Office Action agrees that the claims are entitled to at least October 17, 2002, the filing date of U.S. application serial number 10/273,922. Thus, Urscheler is not a reference under 35 USC 102(b), as Urscheler was not published more than one year before October 17, 2002.

Applicants believe Urscheler is not a reference under 35 USC 102(a) since Urscheler was not published before the invention of the present application was invented. As specified in the attached declaration under 37 CFR 1.131, the inventors of the present application were in possession of, and had reduced to practice, the present invention prior to October 16, 2002, as evidenced by the filing on October 15, 2002 of the application that later published as WO 2004/035929 A1.

Applicants believe Urscheler does not meet the requirements of 35 USC 102(d) or (e).

In view of the fact that Urscheler is not a reference, reconsideration of all pending rejections under 35 USC 103 is respectfully requested.

V. Conclusion

Reconsideration of the claims and passing of the application to allowance are solicited.

Respectfully submitted,


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